

House File 550 - Introduced

HOUSE FILE 550
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 149)

A BILL FOR

1 An Act relating to medical personnel authorized to withdraw a
2 specimen of blood from a person suspected of operating while
3 intoxicated.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321J.11, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. Only a ~~licensed~~ physician, ~~licensed~~ physician assistant
4 ~~as defined in [section 148C.1](#)~~, emergency medical technician,
5 emergency medical technician-paramedic, medical technologist,
6 ~~or~~ registered nurse, licensed practical nurse, medical
7 laboratory technician, phlebotomist, laboratory assistant,
8 or other qualified person acting at the request of a peace
9 officer, may withdraw a specimen of blood for the purpose
10 of determining the alcohol concentration or the presence of
11 a controlled substance or other drugs. However, any peace
12 officer, using devices and methods approved by the commissioner
13 of public safety, may take a specimen of a person's breath or
14 urine for the purpose of determining the alcohol concentration,
15 or may take a specimen of a person's urine for the purpose of
16 determining the presence of a controlled substance or other
17 drugs. Except in cases of negligence while withdrawing a
18 specimen of blood, a person authorized to withdraw a specimen
19 of blood under this subsection who acts reasonably, in good
20 faith, and in accordance with standard medical procedures,
21 shall not be liable in any civil or criminal action for the
22 withdrawal of the specimen. Only new equipment kept under
23 strictly sanitary and sterile conditions shall be used for
24 drawing blood.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 Under current law, when a person is suspected of operating
29 a motor vehicle in violation of Code chapter 321J (operating
30 while intoxicated), only a licensed physician, licensed
31 physician assistant, medical technologist, or registered nurse,
32 who is acting at the request of a peace officer, may withdraw a
33 specimen of blood for the purpose of determining the alcohol
34 concentration or the presence of a controlled substance or
35 other drugs.

1 This bill expands the list of persons authorized to withdraw
2 a specimen of blood. Under the bill, a physician and physician
3 assistant need not be licensed to withdraw a specimen of
4 blood and an emergency medical technician, emergency medical
5 technician-paramedic, licensed practical nurse, medical
6 laboratory technician, phlebotomist, laboratory assistant,
7 and other qualified persons are also authorized to withdraw a
8 specimen of blood. The bill shields such persons from civil
9 and criminal liability for the withdrawal of a specimen of
10 blood, except in cases of negligence, so long as the person
11 acts reasonably, in good faith, and in accordance with standard
12 medical procedures.